



ATTORNEY'S DOCKET NO: **D00188/70125 (JH)**
IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant: Cherok et al.
Serial No: 09/661,623
Filed: September 14, 2000
For: IMPLANTABLE PROSTHESIS
Examiner: W. Matthews
Art Unit: 3738

#7
Prior Art
S. Bryce
2/14/02

CERTIFICATE OF MAILING UNDER 37 C.F.R. §1.8(a)

The undersigned hereby certifies that this document is being placed in the United States mail with first-class postage attached, addressed to Commissioner for Patents, Washington, D.C. 20231, on February 6, 2002.

Colleen Snyder
Colleen Snyder

Commissioner for Patents
Washington, D.C. 20231

STATEMENT FILED PURSUANT TO THE DUTY OF
DISCLOSURE UNDER 37 CFR §§1.56, 1.97 AND 1.98

Sir:

Pursuant to the duty of disclosure under 37 C.F.R. §§1.56, 1.97 and 1.98, the Applicant requests consideration of this Information Disclosure Statement.

PART I: Compliance with 37 C.F.R. §1.97

This Information Disclosure Statement has been filed before the mailing date of a first Office Action on the merits in the above-identified case.

No fee or certification is required.

PART II: Information Cited

The Applicant hereby makes of record in the above-identified application the information listed on the attached form PTO-1449 (modified). The order of presentation of the references should not be construed as an indication of the importance of the references.

The Applicant hereby makes of record that co-pending U.S. Patent application serial no. 09/900,707 filed July 6, 2001 (copy enclosed) may be directed to related subject matter.

PART III: Explanation of Non-English Language References

The following is a concise explanation of the relevance of each non-English language reference listed on the attached form PTO-1449 (modified):

The relevance of DE 298 17 682 may be determined by its figures and the English abstract obtained from the DERWENT World Patent Index database as follows:

Abstract (Basic):

NOVELTY – The webbing (10) made of mono fiber propylene has a rectangular main area (11) with a cut (12), positioned vertically to the lateral edge (14) of the main area (11) and welded at the end (19), for the insertion of one or more body parts, in particular the spermatic cord. The cut (12) is covered with a second piece of rectangular netting (13), which is fixed with one of its lateral edges (15) to the main area (11).

USE – The new type of hernia support netting is used by the surgeon in a hospital.

ADVANTAGE – The cover part and the welded end of the cut of the new design of a hernia support netting prevent the affected area from injuries and keep the netting safely in place.

DESCRIPTION OF THE DRAWING(S) – The drawing shows a top view of the netting.

webbing (10)
main area (11, 11')
cut (12)
cover (13)
lateral edges of main area (14, 16, 17, 18)
fixed edge of cover (15)
welded end of cut (19)
loose edge of cover (22)

The relevance of European reference EP 0 194 192 A1, entitled “Absorbable composite surgical material, method of preparation, resorbable prosthesis based on this material and use of this prosthesis”, may be gleaned from its drawings and the English abstract obtained from the esp@cenet database as follows:

Abstract: Absorbable composite surgical material comprising a reinforcement essentially constituted of resorbable synthetic threads, and a sheet of reconstituted collagen, the said sheet being laminated with at least one face of the said reinforcement for the purpose of filling in a leakproof manner the interstices between the said resorbable synthetic threads.

The relevance of French reference FR 2 744 906 A1 may be determined from its English translation attached thereto.

The relevance of Soviet reference SU 1 718 857 may be gleaned from its drawings and the English abstract attached thereto.

The relevance of European reference EP 0 719 527 may be gleaned from its counterpart U.S. Patent No. 5,697,978.

PART IV: Remarks

A copy of each of the above-identified information is enclosed unless otherwise indicated on the attached form PTO-1449 (modified). It is respectfully requested that:

1. The Examiner consider completely the cited information, along with any other information, in reaching a determination concerning the patentability of the present claims;
2. The enclosed form PTO-1449 be signed by the Examiner to evidence that the cited information has been fully considered by the Patent and Trademark Office during the examination of this application;
3. The citations for the information be printed on any patent which issues from this application.

By submitting this Information Disclosure Statement, the Applicant makes no representation that a search has been performed, of the extent of any search performed, or that more relevant information does not exist.

By submitting this Information Disclosure Statement, the Applicant makes no representation that the information cited in the Statement is, or is considered to be, material to patentability as defined in 37 C.F.R. §1.56(b).


By submitting this Information Disclosure Statement, the Applicant makes no representation that the information cited in the Statement is, or is considered to be, in fact, prior art as defined by 35 U.S.C. §102.

Notwithstanding any statements by the Applicant, the Examiner is urged to form his own conclusion regarding the relevance of the cited information.

An early and favorable action is hereby requested.

Respectfully submitted,

Cherok et al., Applicant(s)

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